**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.25766 OF 1996**

Date: 22.1.2007

Between:

M/s The Gowthami Solvent Oils Pvt. Ltd
Pydiparru, Tanuku rep. By its Managing Director

… Petitioner

and

1. Sappa Appa Rao and another

… Respondents.

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**WRIT PETITION No. 25766 OF 1996**

**ORDER:**

While Sri C.Kodanda Ram, learned counsel for the petitioner, would seek to make submission, on merits as also on the question of violation of principles of natural justice, it must be noted that the petitioner has invoked the jurisdiction of this Court without first exhausting the statutory remedy of an appeal under Section 17 of the Payment of Wages Act, 1972. It is also necessary to note that Clause 1-A of Section 17 requires the appeal to be accompanied by a certificate by the authority that the appellant has deposited the amount payable under the directions appealed against.

The jurisdiction of this Court, under Article 226 of the Constitution of India is discretionary and, ordinarily, is not permitted to be invoked when there is a statutory remedy of an appeal for it is quite possible that the jurisdiction of this Court under Article 226 of the Constitution of India is invoked only to circumvent the statutory requirement under Section 17(1-A) of depositing the entire amount.

All the contentions raised before this Court, both on merits and for violation of principles of natural justice, can be agitated before the appellate authority under Section 17 of the Payment of Wages Act. Needless to state that, in case the petitioner prefers an appeal, the amount which he has earlier deposited before this Court pursuant to its interim directions, and which amount has

been permitted to be withdrawn, shall be given credit to by the authority while granting the certificate.

The writ petition fails and is accordingly dismissed. No costs.

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Date: 22.1.2007 RAMESH RANGANATHAN, J

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